

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2018/0309/F	CASE OFFICER	Fiona Hunter
LOCATION:	ATTLEBOROUGH Land Adjacent to Oak Tree Park Norwich Road Attleborough	APPNTYPE:	Full
APPLICANT:	Tingdene Parks Ltd Bradfield Road Finedon Road Industrial Estate	POLICY:	Out Settlemnt Bndry
AGENT:	Pegasus Group Pegasus Group Suite 4, Pioneer House	CONS AREA:	N
PROPOSAL:	Use of land for the stationing of 20 residential park homes and associated layout and landscaping		
		LB GRADE:	N
		TPO:	N

DEFERRED REASON

A Introduction

A.1 This application was considered by planning committee on 3rd September 2018 and was resolved to be approved against officer recommendation due to the site being in a sustainable location and would contribute to the Council's five year land housing. Committee advised that the off-site affordable housing contribution should be determined via viability appraisal. The application is brought back to planning committee for the following reasons:

- The LLFA raised an objection to the application 19th September 2018, again on 09 May 2019 and 2nd November 2020 following submission of new information from the applicant
- Case Law has been identified which indicates Park Homes may be affordable housing in some instances
- The Council now has a 5 year land housing supply
- The Council adopted a new adopted development plan, the Breckland Local Plan (adopted 2019)
- It has been over a year since planning committee last considered the application

A.2 The application was due to be considered at planning committee on the 2nd August 2021 and was deferred to allow discussions to take place with the housing team in respect to the above references case law and Policy HOU 07, together with allowing a re-consultation due to the amount time since the last one took place.

B Consultee Comments

B.1 A three week re-consultation was issued on 28th July and the responses are detailed below.

B.1 On the 19th September 2018 The LLFA raised an objection following a late consultation on the 16 August 2018. They raised that the application does not include documents which fully assess the surface water risk affecting the site with 14 of the 20 park homes proposed are in an at risk of surface water flooding

from a flow path. Additional information did not overcome their concerns and as of November 2020 and again 9th August 2021 they maintain their objection recommending to overcome the objection would require:

- Park Homes, associated infrastructure and SuDS attenuation/infiltration features to be located outside the 3.33% and 1% annual probability flooding areas; OR
- Detailed and robust supporting information showing that flood water from elsewhere, including surface water, would not flow into the development site, or can be accommodated on site without flooding.
- Suitable drainage strategy submitted including BRE infiltration testing
- FSR data to be used for all critical storm events within the submitted information. The LLFA Guidance recommends the use of FEH 2013 rainfall data for surface water modelling.
- The level of the seasonally high groundwater needs to be established for the site.

B.2 The Council's Emergency Planner provided comments on 1st December 2020. They advised that the Flood Response Plan is suitable.

B.3 The Tree Officer and Highways previous comments remain the same. Community and Environmental Services (Archaeology) have no comment.

B.4 The Council's Ecological and Biodiversity Consultant advise the Ecology report is now out of date as it is over 3 years old and a new one should be submitted.

B.5 Anglian Water advise there are Anglian Water assets within or close to the development boundary that may affect the layout of the site. The foul drainage from this development is in the catchment of Attleborough Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission. The sewerage system at present has available capacity used water flows.

C Local Representations

C.1 Since Planning Committee two new local representation have been received. These raise objection as before plus:

- No boundary landscaping proposed
- Ditch that runs along the boundary that contains water most of the year and joins the water course along the front boundary of London road that discharges in to the river.
- There is a pipe that runs parallel all the way along the ditch which connects to the pumping station on Kenan drive how will this be accessed?

D Assessment

Policy and Guidance Changes

D.1 Since the application was considered at planning committee the adopted development plan has been replaced with the Breckland Local Plan (adopted 2019). Within this the site is shown as a site with Planning Permission for Housing and is within the settlement boundary of Attleborough which is a Key Settlement as identified by Policy GEN 03. Housing development within the settlement boundary of this Key Settlement is supported by Policies GEN 01, GEN 05 and HOU 01 and is considered acceptable in principle in line with these Policies.

D.2 The Breckland Local Plan (adopted 2019) Policies considered relevant to this application are:

COM01 Design
COM03 Protection of Amenity
ENV02 Biodiversity protection and enhancement
ENV05 Protection and Enhancement of the Landscape
ENV 06 Trees, Hedgerows and Development
GEN01 Sustainable Development in Breckland
ENV 09 Flood Risk & Surface Water Drainage
GEN 01 Sustainable Development in Breckland
GEN02 Promoting High Quality Design
GEN03 Settlement Hierarchy
GEN05 Settlement Boundaries
HOU04 Villages with Boundaries
HOU06 Principle of New Housing
TR01 Sustainable Transport Network
TR02 Transport Requirements

D.3 Whilst the policies have changed, the development is considered to be compliant for them all bar Policies ENV 09 explained at paragraphs E of this deferred section and GEN 02 and COM 01 for the reasons set out at Section 4.0 of the original committee report and provided below.

D.4 The NPPF 2012 has been replaced with the NPPF 2021 and updated National Planning Practice Guidance (online). None of the changes affect the principle of development or change the assessment in respect to detailed matters.

E Flooding

E.1 Two thirds of the application site are located within a High Surface Flood Risk Area. Whilst this is not defined as within Flood Risk Zone 2 or 3a which relates to rivers and sea specifically, it is at the equivalent risk of flooding as these from surface water and Besthorpe Stream. As such it is recommended to use the NPPG guidance for residential park home development in Flood Risk Zone 2 or 3a.

E.2 The NPPG sets out that park homes for permanent residential are a highly vulnerable use class and should not be permitted in Flood Zone 3a and only in Flood Zone 2 where there have been an acceptable sequential test and exception test submitted. The aim of a Sequential Test (ST), according to the NPPF is to steer new development to areas with the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at a lower risk. If this is not possible, the Exception Test (ET) may have to be applied. The ET considers whether a development can be made safe against the effects of flooding for its lifetime and would provide wider sustainability benefits to the community that may outweigh the risk. The Framework is explicit that both elements of the ET should be satisfied for development to proceed.

E.3 Having regard to the above, no park homes should be permitted in the higher risk surface water flood area and no sequential test or exception test has been provided and as such permission should also not be granted at the medium risk surface water area which for this application affects 13 of the 20 units for which permission is sought for. As such the development does not accord with Policy ENV 09 nor the NPPF or NPPG.

E.4 The application has provided a Flood Response Plan which provides further details of likely flooding in the event the application is approved and mitigation measures. This report details that approximately two thirds of the application site are located within 30-year, 100-year, 100-year plus 40% climate change and the 1000-year surface water risk areas. In the 100-year event plus climate change event the flooding at the site would be between 0.1 to 1.3m depth. The Finished Floor Level of the park home units will be approximately 750mm above ground level and it is expected in the 100-year event plus climate change event that 7 units would be externally and internally flooded and 6 externally flooded.

E.5 As detailed by the submitted Flood Response Plan the central and northern portion of the site falls within a "moderate" hazard-to-people classification, with the northern/ north-eastern section of the site also classified as a "significant" hazard-to-people during the 100-year plus 40% climate change rainfall runoff event. Ten of the park homes are located in an area of "significant" hazard-to-people and a further three park homes are situated in an area of "moderate" hazard-to-people. The report advises that it is critical the affected units are evacuated prior to flood water reaching the site. Units 7 to 18 driveways will be flooded in all modelled rainfall runoff scenarios.

E.6 The site is not situated with an EA's Flood Alert or Flood Warning area. There is also no detailed model available for this section of the Besthorpe Stream. Therefore, there is no warning if any of the three culverts were to block and back up. As a result, the Flood Response Plan advises that a telemetry system must be installed to monitor water levels in the Besthorpe Stream and that the site manager monitors various things including weather forecasts and to keep a register of who is on site.

E.7 Whilst the mitigation measures would be necessary, these are not found to be sufficient to enable approval to be recommended as the residents, some of which will be vulnerable (elderly or disabled), will likely experience flooding externally and some internally. The current planning system is specifically trying to avoid this as a key consideration in all planning applications.

I.8 The LLFA have objected to the application noting the Surface Water Flood Hazard and the need to use the sequential approach within the development site to steer development to Flood Zone 1 for this highly vulnerable land use. They recommend a reduction in number of park homes to avoid the flooding risk area. They also advise the submitted drainage strategy is not suitable as the drainage features including the infiltration storage pond are in the flood risk area.

E.9 In accordance with the NPPF, NPPG, Policy ENV 06 and the LLFA Guidance Document 2019 refusal is recommended due to unacceptable flood risk.

F Affordable Housing

F.1 Following the publication of the earlier Committee Report for this application published on 22nd July 2021 the application was deferred to allow discussions with the housing team on the application in relation to the NPPF definitions of affordable housing and what evidence is required together with Policy HOU 07 and whether the application is compliant/ non compliant. The discussions below have resulted in the below interpretations of Policy HOU 07 and NPPF affordable housing definition in relation to this specific application.

F.2 Planning Policy HOU 07 requires residential development proposals capable of delivering 10 or more units to deliver a proportion of the development as affordable housing on-site to help meet existing and future affordable housing needs of the District. 25% of the of qualifying developments should be affordable housing and the size, mix, type and tenure of affordable homes as defined in national policy, will meet the identified housing need of Breckland as established by the CNSHMA and agreed by Breckland District Council,

currently a tenure split of 70:30 rented to shared ownership/intermediate products. The applicant will be required to submit an open book viability assessment where schemes do not meet the above policy requirements. Affordable housing should be delivered on site. Where evidence is provided that the site is not viable if provision is made on site in line with the requirements set out in this policy, a commuted sum will be sought at £50,000 per equivalent whole dwelling as recommended by the Council's Local Plan CIL Viability Assessment, or the figure set out in any successor evidence endorsed by the Council. Off-site contributions in lieu of built units on site will only be considered where this is robustly justified by evidence.

F.3 The application does not propose to provide on-site affordable rent and/ or Registered Provider controlled intermediate part sale part rent and instead have agreed to pay an off site contribution. This is considered acceptable as Registered Providers don't usually take on park homes and mortgages are not normally agreed for this type of construction/ arrangement, thus the affordable house tenures sought by Policy HOU 07 on-site affordable is very unlikely to be achievable. A Viability Exercise was undertaken in April 2019 to determine what the off-site contribution amount should be and this was reviewed by the Council's viability consultant and found no contribution was viable. This review is now out of date and therefore we cannot confirm whether a contribution remains unviable or not and if the latter how much it should be. Notwithstanding this, the applicant has offered a contribution irrespective of £3,571 per unit, however we have insufficient up to date evidence to confirm if this needed and if so whether it is enough. The development therefore does not accord with Policy HOU 07.

F.4 Planning appeal APP/C3810/C/19/3222033 allowed on 9 March 2021 concluded that caravans can be a type of affordable housing. The basis for this conclusion is The National Planning Policy Framework as revised in 2021 post appeal (NPPF) defines affordable housing as "housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:... c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.". In the referenced appeal the appellant has provided evidence that the caravans would be at least 20% lower than the median area house price. The Council considers local market value to be limited to the settlement and/ or Parish where the application site is located opposed to district wide.

F.5 The Inspector summed up that *"... based on the specific evidence before me, in this instance I consider that the mobile homes can be considered to offer an affordable route to home ownership. Moreover, they accord with the aims of the NPPF to address the needs of groups with specific housing requirements, particularly the elderly and those requiring single storey accommodation. A financial contribution towards off site affordable housing provision is therefore not justified in this instance."*

F.6 For this particular site and proposal, the park home units/ plots being sought under this application may be at least 20% below the market rate and thus be affordable discounted market sales housing, however, evidence of this has not been provided and therefore we are unable to assess and confirm whether the development is affordable housing or not. If the development is affordable discounted market sales housing it is considered this is a strong material consideration and that compliance with Policy HOU 07 would not make the application unacceptable without any further affordable housing contribution such as an off-site financial contribution having regard to the earlier referenced appeal.

F.7 On the above basis, it is recommended that the application is refused due to insufficient information to determine whether an off-site affordable housing contribution is required and how much in line with Policy HOU 07 and the guidance in the NPPF.

G Recommendation

G.1 Refusal is recommended for the following reasons

1. The development is for a highly vulnerable use and at least 13 of the residential park homes would experience internal and/or external flooding in the 1 in 100 year flood event plus climate change. In areas at flood risk equivalent to Flood Risk Zone 3a and Flood Risk Zone 2, such as this application site, development for highly vulnerable uses should not be permitted in the former Zone and in the latter only where a Sequential Test has established that there is no reasonably available sites appropriate for the proposed development in areas at a lower risk; and an Exception Test has been provided which demonstrates that the development can be made safe against the effects of flooding for its lifetime and would provide wider sustainability benefits to the community that may outweigh the risk. Neither a Sequential Test nor an Exception Test has been provided. As such it is considered that approximately two thirds of the application site is not suitable for residential park homes and the application should be refused in accordance with Section 14 of the National Planning Policy Framework 2021, the National Planning Practice Guidance (Flood risk and coastal change), Policy ENV 06 of the Breckland Local Plan (adopted 2019) and the Norfolk County Council Lead Local Flood Authority Guidance Document 2019.
2. The development would compromise the health and integrity of the only on-site category B tree. Given the low density of development this is considered unnecessary and does not accord with the Breckland Local Plan (adopted 2019) Policy ENV 06 and National Planning Policy Framework (2021) paragraph 174.
3. The shared external amenity space and the private external amenity space of plots 1, 2, 10, 11, 14, 15, 18, 19 and 20 is poor quality due to the small size, configuration and overshadowing caused by fences, proposed trees and the park homes. For these reasons the external amenity provision of the development is considered of poor quality in direct conflict with the Breckland Local Plan (adopted 2019) Policies COM 01 and COM03 and National Planning Policy Framework (2021) paragraph 130.
4. The development due to its highly regimented form and layout would result in a dominant and incongruous development, which would be visually prominent along a key route through and into the centre of the Market Town of Attleborough. For these reasons, the development is considered to cause harm to the character and appearance of the area, which has been established as an important and busy route. Whilst a design condition has been suggested by the applicant, this is not considered sufficient to overcome these concerns. The proposal therefore fails the requirements of Policies COM01 and GEN02 of the Breckland Local Plan (adopted 2019) and Section 12 of the National Planning Policy Framework (2021).
5. Insufficient information has been provided to determine whether an off-site housing contribution is required and if so how much contrary to Policy HOU 07 of the Breckland Local Plan (adopted 2019).

G.2 Please note that the planning committee on 3rd September 2018 did not agree with reasons 2, 3 and 4 listed above. Previous recommended reasons for refusal (available to view at the end of this report) were due to a lack of affordable housing and inefficient use of land, which are no longer recommended due to referenced appeal and the area of flood risk at the application site would make it impractical to increase number of dwellings at the application site.

REASON FOR COMMITTEE CONSIDERATION

The proposal is a major application and therefore in accordance with the Councils scheme of delegation, has been referred to planning committee.

KEY ISSUES

Principle of development
Loss of Private Open Space
Mix, Tenure and Density
Design and Appearance
Impact on Neighbour's Amenity
Amenity for New Residents
Impact on Trees
Highway Safety and Car Parking
Other Issues, contamination, archaeology, ecology, and drainage and flooding
Planning Obligations

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for change of use of the land from paddock to residential park homes site, for the siting of 20 units, together with the site layout and landscaping.

The exact size and design of the units is not included as part of this application, and could be erected without any further planning permission via caravan legislation. This legislation restricts the maximum dimensions of park homes, which is currently 20m in length x 6.8m width and 3.048m internal ceiling height. The layout plans shows indicatively that the park homes would be 12m in length x 6m in width with roughly accords with the submitted brochure which provides variation between 12m - 14m in length and 3.6m- 6m in width. The applicant has proposed a design restriction requiring all units to be one of the options/ styles within the submitted brochure.

The site's vehicle access is located along it's southern boundary, via the private existing Oak Tree Park Road, which in turn connects to adopted Norwich Road to the north. A further pedestrian access is proposed directly connecting to Norwich Road.

The plots are laid out so that each park home is detached, with a small garden and two parking spaces.

The proposal includes high level landscaping details, which include a hedge running along the sites boundaries, with gaps for access, and upwards of 60 new trees and shrubs. The two existing trees on site are proposed to be retained.

SITE AND LOCATION

The site is located to the south of Norwich Road, Attleborough and to the north of Oak Tree Park, a residential caravan/ park homes site.

The site extends to 0.94ha and currently comprises meadow land. The application form describes the current use as paddock.

To the east of the site is two storey residential properties, with their rear gardens backing onto the site. To the west is Oak Tree Park's private access road with residential bungalows beyond. To the north is Norwich Road with meadow land/ agricultural land beyond. This land to the north has Outline Planning Permission for 350 houses, and an application for Reserved Matters is currently being determined (3PL/2017/1615/D).

EIA REQUIRED

No

RELEVANT SITE HISTORY

The Application Site

3PL/2016/0448/F - Change of use to residential for the siting of up to 23 mobile homes - Refused at Appeal on 28th April 2017

3PL/2015/0485/F - Change of use to residential for the siting of up to 23 mobile homes - Refused 23rd October 2015

3PL/2013/1039/O - Outline application for the erection of 25 dwellings - Approved 14th October 2015

Land to the south

3PL/2011/0398/CU - Change of use of land to mobile home park - Approved 4th November 2011

Land to the north, beyond Norwich Road

3PL/2017/1615/D - Erection of 350 residential dwellings, with associated attenuation areas, open space and infrastructure works - Validated, not yet determined.

3PL/2013/1161/O - Residential development up to 350 dwellings, associated access, footpaths, cycle path, open space and landscaping - Approved 5th November 2015.

POLICY CONSIDERATIONS

The following policies of the Breckland Local Plan, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.04	Infrastructure
CP.05	Developer Obligations
CP.06	Green Infrastructure
CP.08	Natural Resources
CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.12	Energy
CP.13	Accessibility
DC.02	Principles of New Housing

DC.04	Affordable Housing Principles
DC.11	Open Space
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.14	Energy Efficiency
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy
Attleborough Neighbourhood Plan	

OBLIGATIONS/CIL

The applicant has proposed the following planning obligations to be secured by way of S106 contribution:

- Off-site affordable housing contribution of £3,571 per unit
- Library contribution of £75 per unit

CONSULTATIONS

ATTLEBOROUGH TC

Approve in principle subject to design and supported the use of land for residential development. Concerns regarding the aesthetics to the corridor into the town and would welcome a residential frontage of affordable terraced housing with the mobiles situated behind.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection, subject to conditions.

TREE AND COUNTRYSIDE CONSULTANT

No objection to the principal of development. Recommend that minor adjustments should be made which would obviate the requirement for hard surfacing within the root protection area of T1.

ECONOMIC DEVELOPMENT

No comment.

NORFOLK RIVERS INTERNAL DRAINAGE BOARD

No objection. Should the drainage proposals change, then the IDB should be re-consulted.

HISTORIC ENVIRONMENT OFFICER

The proposed development will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work.

WATER OFFICER

Recommend condition relating the provision of a fire hydrant/s.

RESILIENCE OFFICER

No Comments Received

PRINCIPAL PLANNER MINERAL & WASTE POLICY No Comments Received

REPRESENTATIONS

18 neighbours were consulting in writing on 23/03/2018. A site notice was erected on 03/04/2018. Seven local representations were received, three in support, one neutral and three objections. In addition, a letter of support has been received from the Oak Tree Residents Association. These are summarised below.

Support

- Best plans for the site so far
- Excellent design
- In keeping with existing neighbours and the proposals opposite Norwich Road.
- Will benefit from the existing supportive community existing at Oak Tree Park
- Footpath entrance to "The Paddock" enhanced.
- Houses are suitable for retired and semi retired people

Neutral

- Application acceptable subject to the final products are very similar to the submitted pictures (brochure)
- More trees in the north-east corner would be better to prevent overlooking to existing residential property

Objection

- Not in keeping with other properties on Norwich Road
- They sit much higher than conventional properties and will therefore overlook existing properties on Kenan Drive.
- Green space lost to development.
- Obstruction of visibility for drivers from Kenan Drive and Richmond Park
- Affordable housing needed not people over 55

Oak Tree Park Residents Association

Write in support of the application raising the following points:

- The appearance of Norwich Road, which is of no unexceptional character, will not be negatively affected by the provision of an additional 20 park homes which are of good quality.
- There are other sites and buildings nearby which do not enhance the local area, why are these acceptable and this application not?
- Why should Park Home development be hidden, this is considered a prejudicial point of view.
- The proposal like any housing application will generate council tax, and the new residents contribute economically to the area.
- The existing residents of oak tree park are good citizens with no anti-social behaviour.

ASSESSMENT NOTES

1. Principle of Development

1.1 This application seeks Full planning permission for the change of use of the land from paddock to the siting of 20 park homes, together with layout and landscaping. The site currently sits outside, but adjacent to, the settlement boundary of the Market Town of Attleborough. For this reason, the proposal does not comply

with Policies SS01, DC02 and CP14 of the adopted Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries.

1.2 The Council does not currently have a published 5 year land housing supply as required by the National Planning Policy Framework, which is a material consideration in the determination of planning applications. Paragraph 11(d) of the NPPF (2018), states that where an authority does not have an up-to-date five year housing land supply the relevant local policies specifically for the supply of housing, as referred to above, should not be considered up-to-date. Furthermore, housing applications should be considered in the context of the presumption in favour of sustainable development unless any adverse impacts of doing so would demonstrably and significantly outweigh the benefits or specific policies in the Framework indicate that development should be restricted. On the aforementioned basis, other principle planning issues for the application are considered below.

1.3 Attleborough is a Market Town which is a major focus for residential growth. The site is located immediately adjacent to the settlement boundary and is 1,300m from the core of the town centre, with some services and facilities closer including bus stops along Norwich Road. The proposal is therefore considered a sustainable location in relation to access to services and facilities.

1.4 In addition to the above, the site has a recently lapsed outline planning permission for the erection of 25 houses (ref: 3PL/2013/1039/O). This consent lapsed on 14 October 2017, however, the same adopted development plan is in place as when the decision was, other than the addition of the Attleborough Neighbourhood Plan.

1.5 In addition, the site is shown as within the settlement boundary in the emerging local plan which is at an advanced stage, with a designation of 'Sites with Planning Permission for Housing'. subject to the number and content of objections, this emerging proposal map is of some limited weight for the determination of planning applications.

1.6 Given the lack of 5 year land supply, together with recently lapsed planning permission, emerging location in settlement boundary and proximity to services and facilities, the principle of development is considered acceptable.

2. Loss of Private Open Space

2.1 The site is not formal public open space, however, does provide a relief from the developed south side of Norwich Road. This break in development will become more important when the north side of Norwich Road is developed. However, the site is not allocated in the adopted or emerging local plan as open space. Furthermore, it has a recently lapsed consent for residential planning permission. The loss of open space is therefore considered acceptable.

3. Mix, Tenure and Density

3.1 The proposal is 100% market units, however, given that the development is for mobile homes/ park homes this is considered acceptable as affordable housing providers do not usually take on mobile homes or pitches. Furthermore, it provides a lower cost type of housing, amongst the prominent traditional brick and mortar in Attleborough. This would assist in creating a better mix of dwellings in the wider area.

3.2 The applicant proposed that the units will be restricted to the 50s and over. This would cater for a specific market, however, given the limited number of units together with being single storey this would positively

contribute to the mix of housing in the east part of Attleborough.

3.3 The final design of the mobile homes including internal layout is not fixed as part of this application. However, due to legislation mobile home constraints all of the units will be either 1 or 2 bedroom, given the over 50s restriction this is not considered problematic.

3.4 The development would achieve a density of 18.8 dwellings per hectare (dph). This is considerable below Policy DC 2 requirements of between 30 - 40dph or potentially more due to the access to services and facilities and infill nature of development. Park homes are single storey which is one of the reason why this development is low density and this level accommodation makes them suitable for housing for older people who as a percentage of the population have lower mobility. However, there are other ways to provide lower cost level accommodation such as flats, maisonettes and semi-detached or terraced bungalows. This is moderate negative aspect of the application and also fails guidance provided by Section 11 of the NPPF.

4. Design and Appearance

4.1 The site has had a planning application (ref: 3PL/2016/0048/F) refused and an appeal dismissed (on 21/03/2017) for the development of the site for the siting of 23 mobile homes. The appeal was dismissed on ground of harm to the character and appearance of the area. The main thrust of the Inspectors consideration of this aspect of the proposal is detailed below:

"Development along Norwich Road has a mixed character with built homes of differing architectural designs, densities and ages of development. However, in the main dwellings address the main road, forming a strong built frontage along the thoroughfare into the centre of Attleborough.

In design terms, the height and scale of mobile homes is controlled under the Caravan Sites and Development Act 1960 and the Caravan Sites Act 1968. In general, the maximum dimensions would be comparable with the size of a traditional bungalow. Specific details such as materials could also be controlled by condition.

However, I consider that the change of use of the appeal site would give rise to a significantly more visual prominence in the street scene which would be out of character with existing development along Norwich Road. The erection of 23 detached mobile homes and associated gardens and parking would create a highly regimented layout. The restrictions placed in respect of the scale and form of mobile homes and in combination with their layout and positioning in the plot in proximity to Norwich Road would result in a form of development which would be at odds with the existing pattern of development in the area.

Oak Tree Park is distinct in character from the overall built development in the area and the appeal proposals would match the character of the existing site, however, due to its location the existing mobile homes are, in general, recessive in the views along Norwich Road, with the appeal site providing a visual break in the street scene. Even with landscaping which could be secured by condition, I find that the siting of mobile homes along Norwich Road would be prominent and the incongruous nature of the development would dominate along an important and busy approach into the centre of Attleborough.

This effect would not be mitigated to any great effect by amending the layout so that the mobile homes were to front onto Norwich Road, rather than being inward facing as illustrated on the submitted plans. Nor would the imposition of a condition relating to design details be effective in this respect."

4.2 The developer has proposed that the design of the mobile homes could be restricted to that within a submitted brochure, providing some control over the mobile homes permitted on site. This is an improvement

over no-control where the mobile homes design could be very poor quality. However, the design continues to appear distinct from brick and mortar properties along Norwich Road due to the very limited use of brick, the raised ground floor height and steps together with design features such as columns and window shutters. For these reasons the elevation design of the properties would not compliment the street scene and instead be incongruous.

4.3 As previously found by the appeal Inspector, the actual form and layout of the mobile homes will cause harm to the character and appearance of the area due to the highly regimented layout and form of units/mobile homes and would not comply with Policy DC 16 or paragraphs 124, 127 and 130 of the NPPF.

5. Impact on Neighbour's Amenity

5.1 The impact of the proposal on the amenities of adjoining properties has been considered with regards to Policy DC1. The proposal includes details of site layout and therefore the position of the mobile homes, their gardens and roads are fixed and we are able to consider relationships to neighbours.

5.3 To the east of the site are two storey residential properties some of which rear elevations face the site and some which flank elevation faces the site. The mobile home units are orientated to face Norwich Road, so that their flank elevation faces the neighbours. There is only a small separation distance between the mobile homes and the site boundary of between 1.55 - 4.6m, however, due to the units location, orientation and single storey nature they should not be creating overlooking, overshadowing or a sense of enclosure to these neighbours.

5.4 To the south of the site is existing mobile homes, however, again due to the location of new homes to the north and their single storey design, no unacceptable impacts will occur to these neighbours.

5.5 The proposed site vehicle access is at the western most part of the site with a residential bungalow beyond. The road ensures there will be no overlooking or shadowing. Whilst the road will experience additional traffic movements, these are not considered to create a significant change than the existing situation. It is overall considered that the application is acceptable with regards to Policy DC1 and Paragraph 127(f) of the NPPF in terms of the preservation of amenities.

6. Amenity for New Residents

6.1 The units are typically laid out within tight plots with limited separation, this in itself is not considered unacceptable and is a feature of this type of development to assist in efficient use of land and low cost housing. In relation to garden space this varies between plots. Plot 4 has a 50 sqm garden with an average depth of 7m. Other plots have more restricted external space such as plot 18 which has 16sqm of garden with a depth of 4.2m. Given the need for fences and proposals for tree planting and the mobile homes themselves, much of the units private amenity space will be overshadowed. This is a moderate negative aspect of the proposal.

6.2 The proposal includes an irregular shaped area of open space in the east part of the site extending to 142sqm. This is not well located being at the eastern least used part of the site with no overlooking, or formed and therefore provides limited benefit. Additional landscaping areas are provided at the centre of the development, but due to their size and configuration will not act as external functional shared amenity space.

6.3 Some units have insufficient private amenity space together with poor standard of shared amenity space and these components of the application conflicts with the requirements of Policy DC 1 and is a negative aspect of the proposal.

7. Impact on Trees

7.1 Tree 1, a Category B ash tree, will be affected by the development as a road is proposed over its root protection area where a reduced dig and permeable surface is proposed. In the medium to long term there is risk that these works will harm the tree to an extent where it will need to be removed. In addition two category C Hawthorn and Elder tree groups/ hedges will need to be removed to facilitate the development. The Tree Officer has recommended that given the site size, that Tree 1 should be protected and no works within its root protection area. It is therefore considered the damage to the Category B tree is a minor negative aspect of the proposal.

8. Highway Safety and Car Parking

8.1 The Highway Authority were consulted on the scheme and not raised an objection subject to conditions for visibility splays and parking and turning areas to be laid out. On this basis, the development not considered to give rise to any highways safety or capacity concerns and complies with Policy CP4 and paragraph 109 of the NPPF.

8.3 The proposal proposes two parking spaces per plot which complies with Policy DC19.

9. Other Issues, contamination, archaeology, ecology, and drainage and flooding

9.1 The Contaminated Land Officer was consulted on the application and raised no objections to the proposal, subject to a condition relating to unexpected contamination being imposed on any approval given. This would require remediation work to be carried out in the event that any contamination was discovered on site during the construction process. The proposal is therefore considered acceptable as per the requirements of Policy CP9.

9.2 No recommendation has been made for archaeology work for the site from Norfolk County Council Environment Service.

9.3 NCC Natural Environment Team have not objected to the application, subject to conditions for ecological mitigation and at least two bird boxes and two bats boxes to be installed, together with native species for the landscaping proposals. Subject to these conditions, the development is considered acceptable for ecological impact and complies with Policy CP10.

9.4 The site is located within Flood Risk Zone 1 which has the lowest risk of flooding from rivers and seas. However, the site is at high risk of flooding from surface water. A Sustainable Drainage Strategy has been submitted for the application which proposes infiltration systems for the drainage of all impermeable areas as supported by the on-site infiltration testing. Permeable paving is proposed which will provide attenuation together with some part of the road underlain with cellular storage. A condition would be required for detailed drainage design to be submitted and agreed prior to commencement of works on site.

9.5 The Internal Drainage Board have not objected to the application. Anglian Water have not provided a response. The proposal in respect of flood risk and drainage is therefore acceptable and accords with Policy DC13.

10. Planning Obligations

10.1 The applicant proposes £3,875 (indexed from base year 2011) per unit off-site affordable housing

contribution, equating to £77,500 before indexation. The applicant has set out within a statement that this is reasonable due to:

- The development is for the citing of mobile homes with its operation development opposed to the building of conventional dwellings
- Registered Providers cannot adopt and administer mobile homes due to their financing and regulatory constraints
- Planning obligations may only be required to make an unacceptable development acceptable
- The land to the south was granted planning permission in 2011 for mobile homes/ park homes with an off-site contribution of £3,431 per unit
- The refused and dismissed application for the application site in 2016 had agreement for an off-site contribution of £3,875 per dwelling (indexed). A Planning Obligation to this effect was completed, although the appeal went on to be dismissed for other reasons

A full summary of the applicant's reasoning is provided by the submitted "Summary of Applicant's affordable housing offer and justification".

10.2 The above is not concurred with and is discussed here. Policy DC 4 sets out that 40% of the total housing units will be provided and maintained as affordable, a reduction may be allowed where it would result in extraordinary costs the development could not reasonably bear. Housing units could relate to traditional housing or mobile homes as they are both used as dwellings. We are therefore satisfied that Policy DC4 applies.

10.3 Whilst a sum was formally agreed and a planning permission granted for the immediately adjacent site in 2011, we do not agree this should form the basis of all future off-site affordable contributions. No evidence was recoverable from the 2011 planning application to expressly clarify why the amount was agreed. However, it is understood that a Viability Appraisal was undertaken as part of pre-application process. It is therefore likely, but not certain, that the sum was agreed following a viability exercise.

10.4 The sum was agreed 7 years ago, which is a substantial amount of time. In this period, the economic background and land values have significantly changed. This would change the viability of any proposal. In addition, national planning guidance in relation to viability has changed including most recently the updated national planning practice guidance (updated July 2018 in respect of viability). Furthermore, the site has a history of residential planning permission which may affect the land value. In addition, each site is considered separately, the adjacent site may have had most costly abnormalities such as contamination remediation. Lastly, it would be remiss to use a dated figure arrived at and agreed in 2011 when there is nothing on record explaining how this figure was arrived at.

10.5 The applicant sets out that as the figure was re-agreed by the application case officer planning officer in 2016, although concern was raised by the Council about this document. It is unfortunate that the application records do not detail how this sum was agreed at. However, whilst an officer agreed this sum it was not a binding decision by the Council or Planning Inspectorate. It is therefore considered to be of no weight given that the application was never approved and there is no information of how the amount was arrived at. Irrespective, due to it being a revised proposal and 17 months since the Inspector made their decision, it would not be considered up-to date evidence sufficient to agree a reduction in affordable housing.

10.6 On this basis, an affordable housing contribution is required as per Policy DC4. It is agreed that it should be off-site, as affordable housing providers do not usually take on mobile homes/ park homes or mobile home pitches. The amount needs to equate to the value of 40% of the units, unless a viability exercise determines otherwise. The Housing Officer has advised without any reduction the off-site affordable

housing contribution should be £27,210 per unit, however, this is based on traditional housing. To agree the appropriate amount a viability exercise would need to be undertaken. This has been advised to the applicant, however, they do not agree and have not submitted a Viability Appraisal. This approach has been undertaken elsewhere in the district and confirmed as acceptable by a Planning Inspector. More specifically, the citing of 54 units at Redhill County Park, Watton was allowed at appeal which included an off-site affordable housing contribution which had been agreed via a Viability Appraisal and review (reference: 3PL/2014/0672/F). The development does not therefore accord with policy DC4 or paragraph 57 of the NPPF.

10.7 The applicant has agreed to a library contribution of £75 per unit which is considered necessary to support and expand existing libraries. No contribution is required for play space or education given the 50 years of age development restriction proposed.

11. Conclusion/ Planning Balance

11.1 The application does not accord with the adopted development plan as the site falls outside any settlement boundary. However, the Council does not currently have a 5 year land supply as required by the NPPF and this development would provide a contribution towards Breckland's housing land supply.

11.2 The site is adjacent to the market town of Attleborough and is effectively an infill site, which would have good access to services and facilities. Residential development is therefore considered acceptable in principle.

11.3 The development due to its highly regimented form and layout would result in a dominant and incongruous development which would be visually prominent along a key route into the Market Town of Attleborough. For these reasons, the development is considered to cause harm to the character and appearance of the area, which has been established as an important and busy route. Whilst a design condition has been suggested by the applicant, this is not considered sufficient to overcome these concerns.

11.4 The residential amenity of the mobile homes is poor, due to limited private external space and poor quality shared on-site open space. This is a negative aspect of the proposal.

11.5 The off-site affordable housing contribution is £466,700 less than required. Whilst a lesser amount may be acceptable no viability evidence has been provided to assess the amount which would be viable. The development therefore fails the requirements of Policy DC4 and paragraph 57 of the NPPF.

11.6 The development would achieve a density of 18.8 dwellings per hectare (dph). This is considerable below Policy DC 2 requirements of between 30 - 40dph or potentially more due to the access to services and facilities and infill nature of development. This is moderate negative aspect of the application and also falls guidance provided by Section 11 of the NPPF.

11.7 The development would compromise the health and integrity of the only on-site category B tree. Given the low density of development this is considered unnecessary and not accord with Policy DC12.

11.8 The development is proposed to be for the 50s and over. It would therefore provide housing for persons approaching or already retired and would assist Breckland in providing housing for this group, together with a wider variety of type of housing. This would accord with the thrust of Section 5 of the NPPF. In addition, Breckland Council has a land housing supply shortfall of 0.13 years and the proposal would provide pitches for 20 homes in a sustainable location assisting in meeting the 5 year land housing supply need. Lastly, the development would also have an economic benefit from the construction works and supporting businesses in

the town such as shops.

11.9 The adverse impacts of the development are considered to significantly and demonstrably outweigh the benefits, where Paragraph 11 of the NPPF advises applications should be refused.

The benefits as set out at paragraph 10.8 of this report are recognised, however, the adverse impacts are demonstrably and significantly outweigh the benefits. This is due to: the substantial under provision of off-site affordable housing contribution; the very low density of development resulting in inefficient use of land; poor external amenity space; and unnecessary harm to a Category B tree. Based on the foregoing, refusal is recommended.

12. Recommendation

12.1 The application is recommended to be refused.

REASON(S) FOR REFUSAL

- 1 Impact on character and appearance**

The development due to its highly regimented form and layout would result in a dominant and incongruous development which would be visually prominent along a key route through and into the centre of the Market Town of Attleborough. For these reasons, the development is considered to cause harm to the character and appearance of the area, which has been established as an important and busy route. Whilst a design condition has been suggested by the applicant, this is not considered sufficient to overcome these concerns. The proposal therefore fails the requirements of Breckland Council Core Strategy and Development Control Policies Development Plan Document (2009) Policy DC 16 and paragraphs 124, 127 and 130 of the National Planning Policy Framework (2018).
- 2 Affordable Housing**

The off-site affordable housing contribution is £466,700 less than required for a 20 unit residential development. No evidence has been provided to demonstrate that a lesser amount is appropriate to prevent the development being unviable. On this basis, the development is contrary to Breckland Council Core Strategy and Development Control Policies Development Plan Document (2009) and National Planning Policy Framework (2018) paragraph 57.
- 3 Inefficient Use of Land**

The development would represent an inefficient use of land by the very low density of proposed development of 18.8 dwellings per hectare. Level access housing for older people as defined by the National Planning Policy Framework (2018) could be delivered in a more efficient form such as flats, maisonettes or demi-detached or terraced bungalows. The proposal therefore conflicts with Breckland Council Core Strategy and Development Control Policies Development Plan Document (2009) Policy DC 2 and National Planning Policy Framework (2018) Section 11.
- 4 Tree Impact**

The development would compromise the health and integrity of the only on-site category B tree. Given the low density of development this is considered unnecessary and not accord with Core Strategy and Development Control Policies Development Plan Document (2009) Policy DC 12 and National Planning Policy Framework (2018) paragraph 170(b).

5

External Amenity Space

The shared external amenity space and the private external amenity space of plots 1, 2, 10, 11, 14, 15, 18, 19 and 20 is poor quality due to the small size, configuration and overshadowing caused by fences, proposed trees and the park homes. For these reasons the external amenity provision of the development is considered of poor quality in direct conflict with Core Strategy and Development Control Policies Development Plan Document (2009) Policy DC1 and National Planning Policy Framework (2018) paragraph 127(f).